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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,896	04/12/2004	Kun Shan Wang	4459-146	2505

7590 01/28/2008  
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Suite 310  
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EXAMINER
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DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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01/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

AK

**Office Action Summary**

Application No.

10/821,896

Applicant(s)

WANG ET AL.

Examiner

Mishawn N. Dunn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al. (US Pat. No. 6,937,540).

3. Consider claim 1. Kikuchi et al. teaches a method for seamless record of real-time video and audio data, which is utilized in a disc burning system having a disc burning device and a storing device for recording a real-time video and audio data, comprising following steps: recording the real-time video and audio data to a first disc by the disc burning device; and recording the continuing real-time video and audio data to the storing device after the first disc is fully recorded and saving the continuing real-time video and audio data as a plurality of multimedia files (col. 8, lines 29-64; col. 13, line 62 – col. 14, line 28):

4. Consider claim 2. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1 further comprising the step of burning at least one multimedia file to a second disc (col. 14, lines 1-28).

5. Consider claim 3. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 2, wherein the first disc and the second disc are selected from a group consisting of DVD and CD discs (fig. 1).

6. Consider claim 4. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 2, wherein the size of each multimedia file is smaller than or approximately equal to the capacity of the second disc (col. 14, lines 1-28).

7. Consider claim 5. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1, wherein the format of the multimedia file is selected from a group consisting of VOB (Video Object), MPEG, AV1 and MP3 formats (col. 4, line 66 – col. 4, line 3; fig. 3).

8. Consider claim 6. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1, wherein the real-time video and audio data is selected from one of TV and broadcasting programs (fig. 1).

9. Consider claim 7. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1 further comprising the step of setting the format of the multimedia file prior to the step of recording the real-time video and audio data to a first disc (col. 7, lines 36-44).

10. Consider claim 8. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1 further comprising the step of producing a proxy file used for recording file information of each multimedia file, wherein the file information includes at least one of file size, file format and file location (path) (fig. 5).

11. Consider claim 9. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1, wherein the disc burning system is achieved by one of a personal computer and a home video recorder (fig. 1).

12. Consider claim 14. Kikuchi et al. teaches the system for seamless record of real-time video and audio data as claimed in claim 10, wherein the storing device is a hard disk (fig. 1, 2001).

13. Claims 10-13, 15, and 20 are rejected using similar reasoning as the corresponding claim above.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US Pat. No. 6,937,540) in view of Katz et al. (US Pat. No. 6,356,971).

17. Consider claim 16. Kikuchi et al. teaches all claimed limitations as stated above, except a disc proxy unit which produces a disc menu according to the file information recorded on the proxy file, wherein the disc menu includes a plurality of numbered discs and each numbered disc is corresponding to each multimedia file.

However, Katz et al. teaches a disc proxy unit which produces a disc menu according to the file information recorded on the proxy file, wherein the disc menu includes a plurality of numbered discs and each numbered disc is corresponding to each multimedia file (col. 6, lines 40-59; fig. 4A).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to produce a disc menu, which includes a plurality of numbered discs and each numbered disc is corresponding to each multimedia file, in order allow the user to sort the discs according to their preference.

18. Consider claim 17. Katz et al. teaches a system for seamless record of real-time video and audio data as claimed in claim 16 further comprising a user interface on which the disc menu is provided and a user can select at least one numbered disc through the user interface to play the multimedia file corresponding to the selected numbered disc (col. 6, lines 40-59; fig. 4A).

19. Consider claim 18. Katz et al. teaches the system for seamless record of real-time video and audio data as claimed in claim 16 further comprising a user interface on which the disc menu is provided and a user can select at least one numbered disc

through the user interface to burn the multimedia file corresponding to the selected numbered disc to a second disc (col. 6, lines 40-59; fig. 4A).

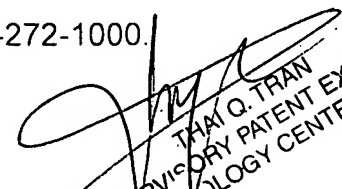
20. Consider claim 19. Kikuchi et al. teaches the system for seamless record of real-time video and audio data as claimed in claim 18, wherein the second disc is selected from a group consisting of DVD and CD discs (fig. 1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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